# EXHIBIT "1"

## UNITED STATES DISTRICT COURT CERTIFIED COPY

#### NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable YVONNE GONZALEZ ROGERS, Judge

PATRICK CALHOUN, et al., on )
behalf of themselves and all)
others similarly situated, )
Pages 1 - 271 and
321 - 330

Plaintiffs, )

vs. )

No. C 20-05146 YGR

Defendant. )
Oakland, California
Monday, October 24, 2022

### REPORTER'S TRANSCRIPT OF PROCEEDINGS

#### APPEARANCES:

For Plaintiffs: Simmons Hanly Conroy LLC

112 Madison Avenue, Seventh Floor

New York, New York 10016

BY: JAY BARNES,

JENNIFER M. PAULSON,

AN V. TRUONG, ATTORNEYS AT LAW

Bleichmar Fonti & Auld LLP 555 12th Street, Suite 1600 Oakland, California 94607

BY: ANGELICA M. ORNELAS,

LESLEY E. WEAVER, ATTORNEYS AT LAW

Reported By: Raynee H. Mercado, CSR No. 8258

Proceedings reported by electronic/mechanical stenography; transcript produced by computer-aided transcription.

| 1  | APPEARANCES (CONT'D.) |     |   |  |  |  |
|----|-----------------------|-----|---|--|--|--|
| 2  |                       |     |   |  |  |  |
| 3  | For Plaintiffs:       |     | DiCello Levitt LLC  |  |  |  |
| 4  |                       | DV. | 60 East 42nd Street, Suite 2400 New York, New York 10165 DAVID A. STRAITE, ATTORNEY AT LAW  |  |  |  |
| 5  |                       | DI. | ·   |  |  |  |
| 6  |                       |     | DiCello Levitt (IL) DiCello Levitt LLC  |  |  |  |
| 7  |                       |     | Ten N. Dearborn Street, 6th Floor<br>Chicago, Illinois 60601  |  |  |  |
| 8  |                       | BY: | SHARON D. CRUZ, ATTORNEY AT LAW   |  |  |  |
| 9  | For Defendant:        |     | Quinn Emanuel Urquhart & Sullivan LLP   |  |  |  |
| 10 |                       |     | 191 North Wacker Drive, Suite 2700<br>Chicago, Illinois 60606   |  |  |  |
| 11 |                       | BY: | =   |  |  |  |
| 12 |                       |     | Quinn Emanuel Urquhart & Sullivan LLP   |  |  |  |
| 13 |                       |     | 865 S. Figueroa Street, Floor 10 Los Angeles, California 90017  |  |  |  |
| 14 |                       | BY: | STEPHEN A. BROOME, ALYSSA G. OLSON, VIOLA TREBICKA, ATTORNEYS AT LAW  |  |  |  |
| 15 |                       |     | Quinn Emanuel Urquhart & Sullivan LLP   |  |  |  |
| 16 |                       |     | 1300 I Street N.W   |  |  |  |
| 17 |                       | BY: | Washington, D.C. 20005  JOSEF T. ANSORGE, ATTORNEY AT LAW   |  |  |  |
| 18 |                       |     | Quinn Emanuel Urquhart & Sullivan LLP   |  |  |  |
| 19 |                       | DV  | 711 Louisiana Streeet, Suite 500 Houston, Texas 77002   |  |  |  |
| 20 |                       | BY: | , in the second of the second |  |  |  |
| 21 |                       |     | Quinn Emanuel Urquhart & Sullivan LLP 51 Madison Avenue, 22nd Floor   |  |  |  |
| 22 |                       | BY: | New York, New York 10010  JOMAIRE A. CRAWFORD, ATTORNEY AT LAW  |  |  |  |
| 23 |                       |     |   |  |  |  |
| 24 |                       |     | 000   |  |  |  |
| 25 |                       |     |   |  |  |  |

| _  |  |      |      |        |
|----|--|------|------|--------|
| 1  | INDEX  |      |      | $\neg$ |
| 2  |  |      |      |        |
| 3  |  | PAGE | VOL. |        |
| 4  |  | PAGE | VOL. |        |
| 5  | OPENING STATEMENT BY MR. SCHAPIRO            | 14   | 1    |        |
| 6  | OPENING STATEMENT BY MR. BARNES              | 22   | 1    |        |
| 7  | CLOSING ARGUMENT BY MR. SHAPIRO              | 321  | 1    |        |
| 8  | CLOSING ARGUMENT BY MR. BARNES               | 325  | 1    |        |
| 9  |  |      |      |        |
| 10 | DEFENDANT'S WITNESSES                        | PAGE | VOL. |        |
| 11 | ZERVAS, GEORGIOS                             |      |      |        |
| 12 | DIRECT EXAMINATION BY MS. TREBICKA           | 27   | 1    |        |
| 13 | VOIR DIRE EXAMINATION BY MR. BARNES          | 33   | 1    |        |
| 14 | DIRECT EXAMINATION (RESUMED) BY MS. TREBICKA | 35   | 1    |        |
| 15 | CROSS-EXAMINATION BY MR. BARNES              | 87   | 1    |        |
| 16 | REDIRECT EXAMINATION BY MS. TREBICKA         | 132  | 1    |        |
| 17 |  |      |      |        |
| 18 | SHAFIQ, ZUBAIR                               |      |      |        |
| 19 | EXAMINATION BY THE COURT                     | 80   | 1    |        |
| 20 |  |      |      |        |
| 21 | BERNTSON, GLENN                              |      |      |        |
| 22 | DIRECT EXAMINATION BY MR. BROOME             | 135  | 1    |        |
| 23 | CROSS-EXAMINATION BY MR. BARNES              | 149  | 1    |        |
| 24 |  |      |      |        |
| 25 |  |      |      |        |

| 1  | DEFENDANT'S WITNESSES                | PAGE | VOL. |
|----|--------------------------------------|------|------|
| 2  | GANEM, STEVEN                        |      |      |
| 3  | DIRECT EXAMINATION BY MR. WATKINS    | 155  | 1    |
| 4  | CROSS-EXAMINATION BY MS. TRUONG      | 163  | 1    |
| 5  | REDIRECT EXAMINATION BY MR. WATKINS  | 169  | 1    |
| 6  |                                      |      |      |
| 7  | PORTER FELT, ADRIENNE                |      |      |
| 8  | DIRECT EXAMINATION BY MS. CRAWFORD   | 170  | 1    |
| 9  | CROSS-EXAMINATION BY MS. ORNELAS     | 187  | 1    |
| 10 |                                      |      |      |
| 11 | FAIR, GREGORY                        |      |      |
| 12 | DIRECT EXAMINATION BY MR. BROOME     | 192  | 1    |
| 13 | CROSS-EXAMINATION BY MR. STRAITE     | 197  | 1    |
| 14 | REDIRECT EXAMINATION BY MR. BROOME   | 212  | 1    |
| 15 |                                      |      |      |
| 16 | KLEBER, MICHAEL                      |      |      |
| 17 | DIRECT EXAMINATION BY MS. TREBICKA   | 214  | 1    |
| 18 | CROSS-EXAMINATION BY MR. BARNES      | 228  | 1    |
| 19 | REDIRECT EXAMINATION BY MS. TREBICKA | 240  | 1    |
| 20 | CROSS-EXAMINATION BY MR. BARNES      | 243  | 1    |
| 21 |                                      |      |      |
| 22 |                                      |      |      |
| 23 |                                      |      |      |
| 24 |                                      |      |      |
| 25 |                                      |      |      |

| 1              | PLAINTIFFS' WITNESSES               | PAGE | VOL. |  |  |  |
|----------------|-------------------------------------|------|------|--|--|--|
| 2              | SMITH, RICHARD                      |      |      |  |  |  |
| 3              | DIRECT EXAMINATION BY MS. TRUONG    | 246  | 1    |  |  |  |
| 4              | CROSS-EXAMINATION BY MR. SMITH      | 263  | 1    |  |  |  |
| 5              |                                     |      |      |  |  |  |
| 6              | SHAFIQ, ZUBAIR (UNDER SEAL)         |      |      |  |  |  |
| 7              | DIRECT EXAMINATION BY MR. BARNES    | 272  | 1    |  |  |  |
| 8              | DIRECT EXAM (RESUMED) BY MR. BARNES | 297  | 1    |  |  |  |
| 9              | CROSS-EXAMINATION BY MR. SCHAPIRO   | 305  | 1    |  |  |  |
| 10             | REDIRECT EXAMINATION BY MR. BARNES  | 319  | 1    |  |  |  |
| 11             |                                     |      |      |  |  |  |
| 12             |                                     |      |      |  |  |  |
| 13             | <u>EXHIBITS</u>                     |      |      |  |  |  |
| 14             | PLAINTIFFS' EXHIBITS W/DRAWN IDEN   | EVID | VOL. |  |  |  |
| 15             | B149                                | 248  | 1    |  |  |  |
| 16             | B153                                | 97   | 1    |  |  |  |
| 17             | 154                                 | 111  | 1    |  |  |  |
| 18             |                                     |      |      |  |  |  |
|                |                                     |      |      |  |  |  |
| 19             |                                     |      |      |  |  |  |
| 20             | 000                                 |      |      |  |  |  |
|                | 000                                 |      |      |  |  |  |
| 20             | 000                                 |      |      |  |  |  |
| 20<br>21       | 000                                 |      |      |  |  |  |
| 20<br>21<br>22 | 000                                 |      |      |  |  |  |

app.

- Q. And how would one of those businesses start using Google Analytics?
  - A. A prospective Google Analytics customer might first visit the marketing website, learn about the product, and at some point decide to create an account.

When they create an account, they sign our terms of service. And at some point, they're given instructions that -- on how to integrate Google Analytics on their website or app.

- Q. And how would they go about doing that integration on their website or app?
- A. On the web, for example, they're given a block of JavaScript code that they copy and paste onto their web pages, and that's really all it takes to get started.
- Q. And once that block of JavaScript code is installed on their web page, what happens when a visitor goes to their web page?
- A. When a user visits their website, and assuming that the user has not blocked Google Analytics using one of our add-ons for browsers, then the JavaScript code is activated, it downloads the code for Google Analytics, and it executes.
- Q. And what happens when that code executes?
- A. Typically at that point, assuming analytics was not blocked, it will start transmitting the events that correspond

CERTIFICATE OF REPORTER I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action. Rayne H. Merendo Raynee H. Mercado, CSR, RMR, CRR, FCRR, CCRR Friday, October 28, 2022